

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ABDIQAFAR WAGAFE, *et al.*, on behalf  
of themselves and others similarly situated,

Plaintiffs,

v.

DONALD TRUMP, President of the  
United States, *et al.*,

Defendants.

No. 2:17-cv-00094-RAJ

**JOINT SUBMISSION REGARDING  
SCOPE AND ANTICIPATED VOLUME  
OF IN CAMERA REVIEW**

On July 22, 2020, the Court held a telephonic conference with the parties to discuss the outstanding discovery disputes detailed in the parties' supplemental briefings (Dkts. 378 and 383). The center of the dispute between the parties are redactions in the Named Plaintiffs' A-Files. Plaintiffs also dispute redactions in 31 policy and training documents withheld under the law enforcement and deliberative process privileges. Having considered the parties' briefs, the Court ordered that the parties meet and confer, narrow the scope of the A-File *in camera* review, and make a joint submission describing the scope and anticipated volume of potential *in camera* review. *See* Dkt. 392.

To illustrate the scope and anticipated volume of the Court's *in camera* review, this Joint Submission describes: **(A)** Defendants' proposal for producing the A-Files and challenged policy/training documents; **(B)** the volume of challenged redactions in the A-Files; and **(C)** the volume of challenged redactions in the policy and training documents. Section (B) includes Tables outlining both the full list of Plaintiffs' challenged redactions in the A-Files and Plaintiffs' narrower sample for *in camera* review. Section (C) similarly includes Tables outlining both the full list of Plaintiffs' challenged redactions in the policy and training documents and Plaintiffs' narrower sample for *in camera* review.

#### **A. Production of A-Files and Policy/Training Documents for *In Camera* Review**

After meeting and conferring, the parties agree that the most efficient way to facilitate the Court's review of a sample of redactions contained in the A-Files and policy/training documents—while still allowing the Court to view the surrounding pages if needed for context—is to produce the complete Named Plaintiffs' A-Files and complete versions of seven of the 31 challenged policy documents. Defendants will produce the seven documents, five A-Files, and one supplemental file to the Court in hard copy with transparent redactions to facilitate the Court's review. Defendants will place tabs in the documents and A-Files to indicate the first page of each set of challenged redactions identified as part of the proposed sample for *in camera* review, below (Tables 1 and 3).

Defendants propose this timeline for producing the A-Files and documents to the Court:

- Seven documents (Table 3): No later than August 14, 2020
- A-Files (Tables 1 and 2): No later than August 21, 2020

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Defendants will also produce to Plaintiffs redacted versions of the documents produced to the Court by August 14, 2020 and redacted versions of the A-Files produced to the Court by August 21, 2020. Defendants will produce these versions of the document and A-Files to Plaintiffs on the same date they are produced to the Court.

**B. Review of Named Plaintiffs' A-Files**

Plaintiffs have selected a sample of challenged redactions for the Court to review *in camera*. This sample is described below in **Table 1**. The sample constitutes **approximately 170 pages**, and includes pages from all five A-Files (Bengezi, Abraham (formerly Jihad), Wagafe, Manzoor, and Ostadhassan) and one supplemental file. To aid the Court's review, the parties have

[REDACTED]

each included a brief comment for each challenged redaction (or set of redactions) in Table 1. The full list of pages with redactions Plaintiffs challenge is provided for the Court's reference later in this Submission, in Table 2.

**Table 1:**  
**Plaintiffs' Sample A-File Redactions**  
**for *In Camera* Review**

<b>BENGEZI A-FILE</b>			
<b>Bates Page</b>	<b>PDF Page</b>	<b>Plaintiffs' Comment</b>	<b>Defendants' Comment</b>
420153-69	177-94	[REDACTED]	[REDACTED]
420582	606	[REDACTED]	[REDACTED]
420592	616	[REDACTED]	[REDACTED]
420593	617	[REDACTED]	[REDACTED]

420595-96	619-20		
420597-99	621-23		
420600-10	624-34		
420611-12	635-36		
420636-59	660-83		
420704	728		

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4	420706	730		
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8	420717	741		
9				
10	420720-21	744-45		
11				
12				
13				
14	420726-30	750-54		
15				
16	<b>ABRAHAM (FORMERLY JIHAD) A-FILE</b>			
17	<b>Bates Page</b>	<b>PDF Page</b>	<b>Plaintiffs' Comment</b>	<b>Defendants' Comment</b>
18				
19				
20	421024	294		

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421025	295		
421047-52	317-22		

421055	325		
421057	327		
421067-68	337-38		
421116	386		







422832	180		

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13	422918- 22	266- 70		
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17	422925	273		
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OSTADHASSAN A-FILE			
Bates Page	PDF Page	Plaintiffs' Comment	Defendants' Comment
422494	375	[REDACTED]	[REDACTED]
422498	379	[REDACTED]	[REDACTED]
422519-22	400-03	[REDACTED]	[REDACTED]

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19	422523- 25;	404- 06;		
20	422547- 48	428- 29		
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5				
6				
7				
8				
9				
10	422591	472		
11				
12				
13				
14	422602-03	483-84		
15				
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19	422641	522		
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24	422642-48	523-29		
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422649	530		
422651	532		
<b>OSTADHASSAN T-FILE / SUPPLEMENTAL FILE</b>			
<b>Bates Page</b>	<b>PDF Page</b>	<b>Plaintiffs' Comment</b>	<b>Defendants' Comment</b>
427204- 05	193- 94		



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6	427206	195		
7				
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11	427208	197		
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17	427226	215		
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22	422239	228		
23	<b>MANZOOR A-FILE</b>			
24	<b>Bates Page</b>	<b>PDF Page</b>	<b>Plaintiffs' Comment</b>	<b>Defendants' Comment</b>
25	421421- 22	100 - 01		
26				

421846	525		
421863-64	542 - 43		
421868-71	547 - 50		
421887-88	566		
422054	733		
422058	737		

422069-74	748 - 53		
422077-81	756 - 60		
422101-05	780 - 84		
422108-18	787 - 97		

For the Court's reference, below in **Table 2** is a list of all redactions Plaintiffs challenge in Named Plaintiffs' A-Files:

**Table 2:**  
**Full List of All Challenged A-File Redactions**

<b>Bengezi</b>	
<b>Bates Page</b>	<b>PDF Page</b>
420153-69	177-94
420211	235
420552	576
420662-66	586-90
420571	595
420754	598
420582	606
420592	616
420593	617
420594	618
420595-96	619-20
420597-99	621-23
420600-10	624-34
420611-12	635-36
420613-24	637-48
420625-26	649-50
420627	651
420635	659
420636-59	660-83
420704	728
420705	729
420706	730
420711-15	735-39
420717	741
420720-21	744-45
420722	746
420723	747
420724	748
420726-30	750-54

<b>Abraham (formerly Jihad)</b>	
<b>Bates Page</b>	<b>PDF Page</b>
420907	177
420907	177
420907	177
420910	180
420924-25	194-95
420949	219
420949	219
420949	219
420950	220
420964	224
420968	228
420986-94	256-64
420996	266
420999	269
421013-15	283-85
421019	289
421020-22	290-92
421024	294
421025	295
421028-39	298-309
421040	310
421047-52	317-22
421055	325
421057	327
421067-68	337-38
421071-106	341-76
421112-15	382-85
421116	386
421120	390
421298-99	568-67
421306-07	576-77
421310	580
421313	583
421317	587
421320-21	590-91

<b>Wagafe</b>	
<b>Bates Page</b>	<b>PDF Page</b>
422744	92
422754	102
422756-58	104-06
422761	109
422791	139
422810	158
422815	163
422819-24	167-72
422825	173
422825	173
422827-28	175-76
422831	179
422832	180
422918-22	266-70
422925	273

*Continued on next page...*

<b>Ostadhassan A-File</b>	
<b>Bates Page</b>	<b>PDF Page</b>
422256	137
422485	366
422486	367
422494	375
422498	379
422515-16	396-97
422517	398
422519-22	400-03
422523-25	404-06
422533-38	414-19
422547-48	428-29
422550	431
422552-53	433-34
422590	471
422591	472
422601	482
422602-03	483-84
422633-34	513-14
422639-40	520-21
422641	522
422642-48	523-29
422649	530
422651	532
<b>Ostadhassan T-File (Supplemental A-File)</b>	
<b>Bates Page</b>	<b>PDF Page</b>
427204-05	193-94
427205	194
427206	195
427208	197
427224	213
427225	214
427226	215
427229	218
422239	228

<b>Manzoor</b>	
<b>Bates Page</b>	<b>PDF Page</b>
421406	85
421415	94
421421-22	100 -01
421443-44	122 -23
421445-50	124 -29
421454-56	133 -35
421487-93	166 -72
421504	183
421505-06	184 -85
421525-27	204 -06
421529-34	208 -13
421539	218
421540	219
421541-56	220 -35
421567	246
421598	277
421599-600	278 -79
421619-20	298 -99
421633	312
421634	313
421635-50	314 -29
421661	340
421796	475
421846	525
421848	527
421851-52	530 -31
421863-64	542 -43
421868-71	547 -50
421872-74	551 -53
421887-88	566
421895-96	574 -75
421898-99	577 -78
421904-06	583 -85
421938-41	617 -20
421947-49	626 -28
421950-70	629 -49
421978	657
421987-94	666 -73
422034-38	713 -17
422041-42	720 -21
422043	722

422044	723
422046	725
422049	728
422051-53	730 -32
422054	733
422056-57	735 -36
422058	737
422059-61	738 -40
422062-68	741 -47
422069-74	748 -53
422075	754
422076	755
422077-81	756 -60
422082-83	761 -62
422084-89	763 -68
422098	777
422099	778
422100	779
422101-05	780 -84
422108-18	787 -97
422119	798

### C. Review of Policy/Training Documents

In addition to the A-Files, Plaintiffs challenge redactions appearing in 31 USCIS and DHS policy and training documents in which Defendants invoke the law enforcement and deliberative process privileges. For the Court's *in camera* review, the parties have selected the following seven documents, described in further detail in **Table 3** below, as a sample representative of the information at issue:

- **DEF-00044548** at PDF Pages 65, 74-78, 84, 89-91, and 114.
- **DEF-00116759** at PDF Pages 113, 122, 129-31, 134, 137, and 176.
- **DEF-00429220** at PDF Pages 31, 99, 103, 106-08, 110-112, 118, 124, 136-141, 153, 166-67, 191, 193-94, 211, 224, and 244-49.
- **DEF-0074376** at PDF Pages 2, 3, 5, 6, 7, and 8.
- **DEF-00052177** at PDF Pages 79-80.
- **DEF-00044891** at PDF Pages 7, 10-18.
- **DEF-00262796** at PDF Pages 1-3.

Defendants note that the first six documents identified above are USCIS policy and training documents, and the seventh document is a DHS policy document. The redactions identified for the Court's *in camera* review in these documents appear in **71 pages**. Because Defendants have informally re-produced many of these documents without Bates numbers, the parties have identified the pages on which the challenged redactions actually appear in these documents by PDF page number. A full list of the disputed redactions in the 31 policy and training documents at issue is included for the Court's reference later in this Submission, in Table 4.

**Table 3:**  
**Sample Documents**  
**for *In Camera* Review**

DEF-00044548			
Bates Page	PDF Page	Plaintiffs' Comment	Defendants' Comment
	65	This redaction identifies information USCIS officers are to provide to the Terrorist Screening Center in order to determine whether an applicant is a match to a watchlisted individual. As such, it sets forth USCIS policies, procedures, and/or guidance that must be disclosed.	Withheld information describes communication with a third agency.
	74-78	74 – Basic descriptive material related to the FBI's Name Check program, or information that is already public, cannot be withheld. Similarly, USCIS policy, guidance, or procedures on how to handle Name Check responses must be disclosed. 76-77 – USCIS policy regarding FBI investigations, and how USCIS references those investigations in determining whether "NS Indicators" are present, must be disclosed. 78 - USCIS policy regarding FBI investigations and how to interpret Letterhead Memoranda (LHMs) must be disclosed.	74 - Withheld info discusses types of responses from name check  76 - Withheld info discusses FBI's classification of their investigations, as subtitle suggests  77 - Withheld info discusses reasons FBI may close an investigation, as title and subtitle suggests  78 - Withheld info describes statements in LHMs and their meanings.
	84	Redactions appear to conceal examples of what USCIS considers "NS Indicators." USCIS policies, procedures, and guidance, including USCIS guidance on what constitutes a national security concern, cannot be withheld merely because they implicate another agency.	Withheld information discusses third agency TECS/IBIS hit examples, as slide title and subtitle indicate.
	89-90	Redactions appear to conceal descriptive or other non-privileged info about the National Targeting Center (NTC) and internal USCIS procedures for how to resolve information from NTC.	Withheld information discusses third agency TECS/IBIS records and sensitive law enforcement techniques and methods.

	91	Redactions appear to conceal descriptive or other non-privileged info about the National Targeting Center (NTC) and internal USCIS procedures for how to resolve information from NTC.	Withheld information discusses third agency information describing law enforcement sensitive codes created in third agency databases to document law enforcement encounters.
	114	The redacted material appears to identify the names of databases USCIS queries. Such names are not privileged, nor is the fact that USCIS queries them, as that is an internal process.	Withheld information is third agency database information that is not publicly available.
<b>DEF-00116759</b>			
<b>Bates Page</b>	<b>PDF Page</b>	<b>Plaintiffs' Comment</b>	<b>Defendants' Comment</b>
	113	This block redaction pertains to USCIS training given to USCIS officers about how USCIS officers interact with third agencies when USCIS officers vet applicants. As such, it sets forth USCIS policies, procedures, and/or guidance that must be disclosed.	LE: This discusses the content of communication between USCIS and third agency regarding third agency information. Disclosing it would disclose types of information held by third agencies.
	122	This block redaction pertains to USCIS training given to USCIS officers about how USCIS officers interact with third agencies when USCIS officers vet applicants. As such, it sets forth USCIS policies, procedures, and/or guidance that must be disclosed.	Withheld information discusses vetting by USCIS, which may include external vetting implicating third agency information. Scenarios that are redacted would reveal nature of third agency investigations.
	129	These redactions pertain to USCIS training given to USCIS officers about what appears to be USCIS internal policy. As such, they set forth USCIS policies, procedures, and/or guidance that must be disclosed.	Withheld info is codes and information concerning codes.



1			Withheld info discusses external vetting of certain third agency information/communication with third agency re third agency information. These targeted redactions were intended to provide plaintiffs with as much information as possible as relates to hypotheticals. The limited remaining redactions similarly redact third agencies sources of information in order to protect security database codes and additional information about the types of investigations an individual agency may conduct as relates to a national security or potential national security investigation. This information was described in Emrich declaration at Dkt. 266-1, para 22. The redacted question in the comments includes TECS codes and additional information about the nature of third agency investigations.
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7		These redactions pertain to USCIS training given to USCIS officers about how those USCIS officers interact with third agencies when USCIS officers vet applicants, including what questions they are supposed to ask third agencies. As such, they set forth USCIS policies, procedures, and/or guidance that must be disclosed.	
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11	130		
12		These redactions pertain to USCIS training given to USCIS officers about how those USCIS officers interact with third agencies when USCIS officers vet applicants. As such, they set forth USCIS policies, procedures, and/or guidance that must be disclosed.	Withheld info discusses external vetting of certain third agency information/communication with third agency re third agency information.
13			
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15	131		
16		These redactions pertain to USCIS training given to USCIS officers about how those USCIS officers vet applicants, including how USCIS officers interact with third agencies when USCIS officers vet applicants. As such, they set forth USCIS policies, procedures, and/or guidance that must be disclosed.	Withheld info discusses external vetting of certain third agency information/communication with third agency re third agency information. The specific redaction is of a TECS code and then a description of a specific type of third agency investigation that may lead to that code.
17			
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20	134		
21		This redaction pertains to USCIS training given to USCIS officers about how those USCIS officers interact with third agencies when USCIS officers vet applicants, including policy guidance on who USCIS does not call when conducting this vetting. As such, it sets forth USCIS policies, procedures, and/or guidance that must be disclosed.	Withheld information discusses external vetting of certain third agency information/communication with third agency re third agency information.
22			
23			
24			
25	137		
26			

	176	This redaction pertains to USCIS training given to USCIS officers about how those USCIS officers interact with third agencies when USCIS officers vet applicants. As such, it sets forth USCIS policies, procedures, and/or guidance that must be disclosed.	Withheld info is sample questions to ask of third agencies in external vetting. This is a communication with a third agency revealing the actions of and information held by a third agency.
<b>DEF-00429220</b>			
<b>Bates Page</b>	<b>PDF Page</b>	<b>Plaintiffs' Comment</b>	<b>Defendants' Comment</b>
	31	These redactions appear to relate to USCIS's use of systems such as the Automated Targeting System. That use is publicly known and therefore not privileged. <i>See, e.g.</i> , Privacy Impact Assessment for USCIS's Fraud Detection and National Security Data System (FDNS-DS), DHS/USCIS/PIA-013(a), May 18, 2016 at 37, App'x D, available at <a href="https://www.dhs.gov/sites/default/files/publications/privacy-pia-uscis-fdnsds-november2017.pdf">https://www.dhs.gov/sites/default/files/publications/privacy-pia-uscis-fdnsds-november2017.pdf</a> . This content also appears to pertain to USCIS's internal processes and procedures for the use of such systems. The external systems are incorporated into USCIS's automated system checks, which the unredacted context indicates are more common as USICS moves to a paperless adjudication process.	Withheld information describes a feature of TECS query functions and capabilities of the TECS system
	99	This block redaction appears to conceal USCIS procedures for non-KST concerns, or as the document indicates, "Other NS Hits." Although the content may implicate TECS, it delineates USCIS policy and procedures on how to address national security concerns and is non-privileged.	Withheld information describes types of lookouts/hits in TECS
	103	Inappropriate block redaction that appears to conceal descriptive or other non-privileged info about the National Targeting Center (NTC) and internal USCIS procedures for how to resolve information from NTC.	Withheld information discusses procedures for handling certain types of NTC information regarding certain targeting procedures, which is not publicly available.
	106-108	The content under these significant block redactions appears to set forth USCIS policies and guidance for resolving "hits" and information about applicants.	Withheld information discusses terminology used in security check responses and their meanings.

1		Redacted content relates to what USCIS does, and does not, consider NS concerns, and therefore sets forth USCIS policies and guidance.	
2		Additional redacted material pertains to State Department systems (CLASS and RPC) that are administrative, not law enforcement systems.	Withheld information discusses specific types of information generated by security checks, including TECS codes/terminology.
3	110-111		
4		The content sets forth "Policy Relating to CCD" and is therefore USCIS policy and/or guidance. CCD – the State Department's Consular Consolidated Database – is an administrative, not law enforcement, database, and the State Department's law enforcement activity is minimal.	Withheld information discusses certain types of third agency information/records that exist within TECS.
5	112		
6		The redacted material relates to the National Security Entry-Exit Registration System (NSEERS), which targeted foreign nationals for registration based on their country of origin. NSEERS was administered by DHS, which discontinued the collection of information under the program following significant criticism. <i>See</i> <a href="https://www.dhs.gov/dhs-removes-designated-countries-nseers-registration-may-2011">https://www.dhs.gov/dhs-removes-designated-countries-nseers-registration-may-2011</a> . USCIS's use of NSEERS data is a matter of USCIS policy, and such content is directly relevant to Plaintiffs' claims.	Withheld information discusses a third agency program and information generated in security check results by that program.
7	118		
8		The redacted content pertains to "CBP Vetting," which is apparently a "service" that USCIS is utilizing, such that it maintains "USCIS CBP Vetting Administrators." USCIS policies, procedures, and guidance cannot be withheld merely because they implicate another agency.	Withheld information discusses third agency LE procedures.
9	124		

1		These block redactions appear to set forth USCIS policy and procedure on how to handle a “Positive Response” in a Letterhead Memorandum (LHM). LHMs are a significant source of national security concerns leading to CARRP processing, and USCIS policy related to LHMs is plainly relevant to Plaintiffs’ claims. Additional redacted material pertains to “examples of indicators of an NS concern” contained in LHMs. USCIS policy on what constitutes a national security concern is non-privileged.	Withheld information discusses types third agency information in Name Check responses. It includes an example document. <i>See</i> Dkt. No. 341-7, Jung Decl., at para. 15-19; withheld information also includes “terms that may be contained in LHMs,” as stated on p. 140. Third agency law enforcement information that USCIS considers to indicate an NS concern is privileged. <i>See</i> Dkt. No. 320 at 6-7; <i>see also</i> Dkt. No. 341-7, Jung Decl., at para. 15-19.
2	136-141		
3		This block redaction appears to relate to USCIS policy on FBI Fingerprint Check Responses. USCIS policies, procedures, and guidance cannot be withheld merely because they implicate another agency.	This chart, beginning on p. 151, provides “FBI Response[s],” and “Descriptions of FBI Response[s].” <i>See</i> Dkt. No. 341-7, Jung Decl., at para. 15-19.
4	153		
5		These block redactions relate to USCIS’s use of the “Watch List Dataset.” USCIS policies, procedures, and guidance cannot be withheld merely because they implicate another agency, and it is clear that USCIS automatically subjects watchlisted individuals to CARRP. Significant information about USCIS’s uses of the watchlisting system, moreover, is already available publicly. <i>See, e.g.</i> , Privacy Impact Assessment for the Watchlist Service, DHS/ALL-027(e), May 5, 2016, available at <a href="https://www.dhs.gov/sites/default/files/publications/privacy-pia-027-E-uscis-wlsfdnsds-may2016.pdf">https://www.dhs.gov/sites/default/files/publications/privacy-pia-027-E-uscis-wlsfdnsds-may2016.pdf</a> .	Withheld information discusses specific information/data maintained on the Watchlist.
6	166-167		
7		The redacted material relates to USCIS policy on FBI Name Check and how to address Name Check responses. USCIS policies, procedures, and guidance cannot be withheld merely because they implicate another agency.	Withheld information discusses third agency procedures and possible responses generated by the FBI Name Check. <i>See</i> Dkt. No. 341-7, Jung Decl., at para. 15-19.
8	191		

	193-194	These redactions appear to relate to USCIS's use of systems such as the Automated Targeting System. That use is publicly known and therefore not privileged. <i>See, e.g.</i> , Privacy Impact Assessment for USCIS's Fraud Detection and National Security Data System (FDNS-DS), DHS/USCIS/PIA-013(a), May 18, 2016 at 37, App'x D, available at <a href="https://www.dhs.gov/sites/default/files/publications/privacy-pia-uscis-fdnsds-november2017.pdf">https://www.dhs.gov/sites/default/files/publications/privacy-pia-uscis-fdnsds-november2017.pdf</a> . This content also appears to pertain to USCIS's internal processes and procedures for the use of such systems, which cannot be withheld merely because they implicate another agency.	Withheld information is LE-sensitive analysis of third agency databases.
	211	USCIS guidance on what does not constitute a national security concern, including "Non-NS/PS Offenses" and criminal history information, must be disclosed.	Withheld information is terms that are used in TECS records related to criminal history.
	224	The definition of a third agency referral sets forth USCIS guidance and must be disclosed.	Withheld information describes third agency information, specifically types of information that may exist in LHMs. <i>See</i> Dkt. No. 341-7, Jung Decl., at para. 15-19.
	244-249	Block redactions should be unredacted to the extent that they contain information that is factual or already public. Similarly, USCIS policies, procedures, and guidance cannot be withheld merely because they implicate another agency.	Withheld information discusses FBI Fingerprint Check and FBI Name Check responses and their meanings, as indicated on pp. 244, 246. <i>See</i> Dkt. No. 341-7, Jung Decl., at para. 15-19.
DEF-0074376			
Bates Page	PDF Page	Plaintiffs' Comment	Defendants' Comment
	2	The block redactions are factual background material, not weighing of policy.	Withheld information relates to a considered policy change that was not implemented, which is squarely within information the Court found privileged in its order at Dkt. 320.
	3	Block redactions that should be unredacted to the extent they provide factual and non-deliberative information.	Withheld information relates to a considered policy change that was not implemented, which is squarely within information the Court found privileged in its order at Dkt. 320.

	5	Block redactions that should be unredacted to the extent they provide factual and non-deliberative information.	Withheld information relates to a considered policy change that was not implemented, which is squarely within information the Court found privileged in its order at Dkt. 320.
	6-7	The block redactions appear to be factual information about current capabilities not a policy deliberation	The withheld information relates to a considered policy change that was not implemented, which is squarely within information the Court found privileged in its order at Dkt. 320.
	8	Block redactions that should be unredacted to the extent they provide factual and non-deliberative information.	Withheld information relates to a considered policy change that was not implemented, which is squarely within information the Court found privileged in its order at Dkt. 320.
<b>DEF-00052177</b>			
<b>Bates Page</b>	<b>PDF Page</b>	<b>Plaintiffs' Comment</b>	<b>Defendants' Comment</b>
	79-80	These block redactions pertain to USCIS training given to USCIS officers about "special interest countries" in the context of USCIS officers vetting applicants.	Special Interest Countries are not/were not a USCIS designation. The slide contains third agency information. Withheld information does not discuss USCIS policy/guidance.
<b>DEF-00044891</b>			
<b>Bates Page</b>	<b>PDF Page</b>	<b>Plaintiffs' Comment</b>	<b>Defendants' Comment</b>
	7	These redactions appear to pertain to ATLAS rules, which is a USCIS internal system. USCIS internal processes and procedures are non-privileged.	<i>See</i> Jan. 27 Privilege Log. <sup>2</sup> Further, these redactions were described in detail in the Emrich declaration, Dkt. 341-3 at para.34, 39. This information about ATLAS Rules is analogous to privileges the court upheld at Dkt. 320, page 6 (citing to declaration paragraph regarding FDNS-DS when upholding privilege redactions of databases, including USCIS databases that interact with third agencies).

<sup>2</sup> The January 27, 2020 privilege log states, "This document provides operational details about automated screening tools used by USCIS to more quickly identify cases with potential national security concerns. The automated screening tools create System Generated Notifications (SGNs) in FDNS-DS when certain criteria are met, and the SGNs are then reviewed by USCIS officials to determine whether further investigation is warranted. The withheld information includes the names of third-party-agency databases which are checked by the automated screening tool, the information contained in the third-party agency databases which may trigger an SGN, and technical instructions to the USCIS officials who review the SGNs about how to enter information into FDNS-DS. FDNS-DS is a USCIS database containing information about individuals under USCIS investigation for fraud, public safety, and national security concerns. Thus, disclosure of this information would reveal the structure and content of third-party-agency databases, including codes used in those databases to identify potential national security concerns."



		These block redactions pertain to USCIS's incorporation and use of information generated by a non-USCIS program, the Targeted Group of Inadmissible Subjects. As with the use of information from the Automated Targeting System, USCIS's internal processes and procedures for the use of such systems, including via USCIS's own ATLAS system, are non-privileged.	<i>See</i> Jan. 27 Privilege Log. <sup>3</sup> Further, these redactions were described in detail in the Emrich declaration, Dkt. 341-3 at para. 34, 39. This information about ATLAS Rules is analogous to privileges the court upheld at Dkt. 320, page 6 (citing to declaration paragraph regarding FDNS-DS when upholding privilege redactions of databases, including USCIS databases that interact with third agencies). Additionally, pp. 11, 14-18 describes "TGIS," which is a CBP program, in detail.
	10-18		
<b>DEF-00262796</b>			
<b>Bates Page</b>	<b>PDF Page</b>	<b>Plaintiffs' Comment</b>	<b>Defendants' Comment</b>
	1-3	Given that USCIS is a DHS component, DHS guidance on the implementation of Executive Order 13780 is directly relevant to Plaintiffs' claims and is non-privileged to the extent that it affects USCIS vetting and information-sharing policies, criteria, and procedures.	Withheld information relates to foreign country information-sharing with DHS/third agencies. Withheld information is not USCIS information and is not related to CARRP; it is DHS information regarding the implementation of EO 13780. Info withheld under DP discusses options, as indicated by released content.

Finally, for the Court's reference, below in **Table 4** is the full list all 31 documents with challenged law enforcement and deliberative process privilege redactions:

In addition, revealing the specific manner in which USCIS officials review the SGNs and ensure proper information is put into FDNS-DS, and other detailed information about how to navigate FDNS-DS, creates a vulnerability to the system in the event of hacking or other intrusions into the system. The disclosure of this information would reveal substantial internal practices, techniques, and procedures used by USCIS in civil and law enforcement investigations related to immigration benefits fraud and national security issues, as well as the content and structure of third-party-agency databases, and such disclosure could reasonably be expected to risk circumvention of the immigration, criminal, and/or anti-terrorism laws."

<sup>3</sup> *See* Footnote 2, above.

**Table 4:**  
**Full List of Challenged Document Redactions**

<b>Document Start Bates</b>	<b>PDF Page Numbers Containing Challenged Redactions</b>
DEF-00004010	PDF Pages 3-8.
DEF-00021130	PDF Pages 70, 72-75, 77-78, 127-28, and 179.
DEF-00044548	PDF Pages 65, 74-78, 84, 89-91, and 114.
DEF-00044891	(all redactions)
DEF-00052177	PDF Pages 79-80, 115-20, and 164.
DEF-0074376	(all redactions)
DEF-00095009	PDF Pages 23-25.
DEF-00096541	PDF Pages 1-5.
DEF-00096701	PDF Pages 1-5.
DEF-00116759	PDF Pages 113, 122, 129-31, 134, 137, and 176.
DEF-00132598	PDF Pages 12, 18-22.
DEF-00174739	PDF Pages 1-3.
DEF-00181890	PDF Page 5.
DEF-00181912	PDF Pages 1-4.
DEF-00184286	PDF Page 1, and 3-4.
DEF-00184291	PDF Pages 1-3.
DEF-00184306	PDF Pages 1-4.
DEF-00261633	PDF Pages 2-7.
DEF-00261640	PDF Pages 1-2.
DEF-00262748	PDF Pages 1-4.
DEF-00262793	PDF Page 1.
DEF-00262796	PDF Pages 1-3.



1	DEF-00262802	PDF Pages 1-4.
2	DEF-00263389	PDF Pages 1-2.
3	DEF-00266453	PDF Pages 1-2.
4	DEF-00267420	PDF Pages 1-2.
5	DEF-00280914	PDF Pages 5 and 7.
6	DEF-00285830	PDF Pages 1-10.
7	DEF-00329296	PDF Pages 7-8.
8	DEF-00373850 (Index 22)	PDF Page 121.
9	DEF-00429220	PDF Pages 31, 99, 103, 106-08, 110-112, 118, 124, 136-141, 153, 166- 67, 191, 193-94, 211, 224, and 244-49.

Respectfully submitted,

s/ Jennifer Pasquarella  
Jennifer Pasquarella (admitted pro hac vice)  
**ACLU Foundation of Southern California**  
1313 W. 8th Street  
Los Angeles, CA 90017  
Telephone: (213) 977-5236  
jpasquarella@aclusocal.org

s/ Matt Adams  
Matt Adams #28287  
**Northwest Immigrant Rights Project**  
615 Second Ave., Ste. 400  
Seattle, WA 98122  
Telephone: (206) 957-8611  
matt@nwirp.org

s/ Stacy Tolchin  
Stacy Tolchin (admitted pro hac vice)  
**Law Offices of Stacy Tolchin**  
634 S. Spring St. Suite 500A  
Los Angeles, CA 90014  
Telephone: (213) 622-7450  
Stacy@tolchinimmigration.com

s/ Hugh Handeyside  
s/ Lee Gelernt  
s/ Hina Shamsi  
Hugh Handeyside #39792  
Lee Gelernt (admitted pro hac vice)  
Hina Shamsi (admitted pro hac vice)  
**American Civil Liberties Union Foundation**  
125 Broad Street  
New York, NY 10004  
Telephone: (212) 549-2616  
lgelernt@aclu.org  
hhandeyside@aclu.org  
hshamsi@aclu.org

s/ Sameer Ahmed  
Sameer Ahmed (admitted pro hac vice)  
**Harvard Immigration and Refugee  
Clinical Program**  
Harvard Law School  
6 Everett Street; Suite 3105  
Cambridge, MA 02138  
Telephone: (617) 495-0638  
sahmed@law.harvard.edu

DATED: August 5, 2020

s/ Harry H. Schneider, Jr.  
s/ Nicholas P. Gellert  
s/ David A. Perez  
s/ Heath L. Hyatt  
s/ Paige L. Whidbee  
Harry H. Schneider, Jr. #9404  
Nicholas P. Gellert #18041  
David A. Perez #43959  
Heath L. Hyatt #54141  
Paige L. Whidbee #55072  
**Perkins Coie LLP**  
1201 Third Avenue, Suite 4900  
Seattle, WA 98101-3099  
Telephone: 206.359.8000  
HSchneider@perkinscoie.com  
NGellert@perkinscoie.com  
DPerez@perkinscoie.com  
HHyatt@perkinscoie.com  
PWhidbee@perkinscoie.com

s/ Kristin Macleod-Ball  
Kristin Macleod-Ball (admitted pro hac vice)  
**American Immigration Council**  
1318 Beacon Street, Suite 18  
Brookline, MA 02446  
Telephone: (857) 305-3600  
kmacleod-ball@immcouncil.org

s/ John Midgley  
s/ Molly Tack-Hooper  
John Midgley #6511  
Molly Tack-Hooper #56356  
**ACLU of Washington**  
P.O. Box 2728  
Seattle, WA 98111  
Telephone: (206) 624-2184  
jmidgley@aclu-wa.org

*Counsel for Plaintiffs*

ETHAN P. DAVIS  
Acting Assistant Attorney General  
Civil Division  
U.S. Department of Justice

JESSE BUSEN  
Counsel for National Security  
National Security Unit  
Office of Immigration Litigation

AUGUST FLENTJE  
Special Counsel  
Civil Division

BRENDAN T. MOORE  
Trial Attorney  
Office of Immigration Litigation

ETHAN B. KANTER  
Chief National Security Unit  
Office of Immigration Litigation  
Civil Division

LEON B. TARANTO  
Trial Attorney  
Torts Branch

BRIAN T. MORAN  
United States Attorney

MICHELLE R. SLACK  
Trial Attorney  
Office of Immigration Litigation

BRIAN C. KIPNIS  
Assistant United States Attorney  
Western District of Washington

s/ Victoria M. Braga  
VICTORIA M. BRAGA  
Trial Attorney  
Office of Immigration Litigation

LINDSAY M. MURPHY  
Senior Counsel for National Security  
National Security Unit  
Office of Immigration Litigation

*Counsel for Defendants*

ANDREW C. BRINKMAN  
Senior Counsel for National Security  
National Security Unit  
Office of Immigration Litigation

**CERTIFICATE OF SERVICE**

I hereby certify that on August 5, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Victoria M. Braga  
VICTORIA M. BRAGA  
Trial Attorney  
Office of Immigration Litigation  
450 5th St. NW  
Washington, DC 20001  
Victoria.M.Braga@usdoj.gov  
Phone: (202) 616-5573